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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,367	02/06/2004	Michele L. Woodruff	24250.00	6789
7590	12/03/2004		EXAMINER	
Richard C. Litman LITMAN LAW OFFICES, LTD. P.O. Box 15035 Arlington, VA 22215			VALENTI, ANDREA M	
			ART UNIT	PAPER NUMBER
			3643	

DATE MAILED: 12/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/772,367	WOODRUFF, MICHELE L. <i>CS</i>
	<b>Examiner</b>	<b>Art Unit</b>
	Andrea M. Valenti	3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 29 November 2004.

2a) This action is **FINAL**.                                   2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-14 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) 13 and 14 is/are allowed.

6) Claim(s) 1-12 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 9 and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,967,095 to Greves in view of U.S. Patent No. 4,895,110 to LoCascio.

Regarding Claims 1 and 2, Greves teaches an illuminated retractable leash (Greves Fig. 8 #12), comprising: a housing having a grip portion (Greves Fig. 8 #50); inherently teaches spring-based spool rotatably supported in said housing (Greves Col. 6 line 52); an extendible roll of electroluminescent wire (Greves #12) wound around the spool, the wire having a free end adapted for attachment to a pet collar (Greves #24); an electric power excitation supply having electric output (Greve #36) and a DC to AC power inverter and DC input jack (Greves Col. 5 lines 15-16), electric output thereof selectively connected to one end of the electroluminescent wire; wherein upon the electroluminescent wire receiving electric power excitation at the electric output.

Greves teaches that it is old and notoriously well-known to provide a pet leash adorned with an electroluminescent device and Greves teaches that it is old and notoriously well-known to provide retractable leashes. Greves is silent on the electroluminescent wire emitting illumination along the entire length. However,

LoCascio teaches an electroluminescent wire emitting illumination along the entire length (LoCascio #14 and Col. 4 line 25). It would have been obvious to one of ordinary skill in the art to modify the teachings of Greve with the teachings of LoCascio at the time of the invention since the modification is merely the selection of an alternate electroluminescent device selected for the advantage of the thin and flexible nature of the electroluminescent device taught by LoCascio (LoCascio Col. 4 line 21). Furthermore, merely extending the length or coverage area of the electroluminescent device is merely a change in size and does not present a patentably distinct limitation over the teachings of the prior art.

Regarding Claim 3, Greves as modified teaches a stop mechanism for engaging said spool and for blocking the extension winding up of said electroluminescent wire about said spool (Greves #60).

Regarding Claim 6, Greves as modified teaches a battery holder capable of holding at least one battery, said battery holder having electrical leads selectively connected to said inverter (Greves Col. 5 line 1 and line 13).

Regarding Claim 9, Greves as modified teaches a switch (Greves #40) electrically connected to the inverter operative to apply power to said electroluminescent wire.

Regarding Claim 4, Greves is silent on a printed circuit board disposed in the housing, the DC to AC power inverter mounted thereon. However, LoCascio teaches an electroluminescent dog collar with a printed circuit board (LoCascio Col. 3 line 1-5). It would have been obvious to one of ordinary skill in the art to modify the teachings of

Greves with the teachings of LoCascio at the time of the invention for the advantage of modularity and for ease of manufacturing to have an established circuit.

Regarding Claims 5 and 10, Greves as modified is silent on the printed circuit board is centrally mounted to a lateral surface of said spool, whereby said printed circuit board rotates in conjunction with said spool. However, it would have been obvious to one of ordinary skill in the art to modify the teachings at the time of the invention since the modification is merely a shift in location of a known element performing the same intended function modified for an efficient use of space, for a more pleasing aesthetic design, or for ease of assembly [*In re Japikse*, 181 F.2d 1019, 1023, 86 USPQ 70, 73 (CCPA 1950)].

Regarding Claims 7 and 11, Greves as modified teaches the battery holder disposed on said printed circuit board (LoCascio Col. 3 line 1-5).

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,967,095 to Greves and U.S. Patent No. 4,895,110 to LoCascio. as applied to claim 10 above, and further in view of U.S. Patent No. 5,946,071 to Feldman.

Regarding Claim 12, Greves as modified is silent on the spool being transparent and at least part of the housing is transparent. However, Feldman teaches an electroluminescent light source housed in transparent members (Feldman Col. 5 line 14). It would have been obvious to one of ordinary skill in the art to modify the teachings of Greves with the teachings of Feldman at the time of the invention since the

modification is merely the selection of a known plastic material for intended use to create an artistic and aesthetic appeal.

Claims 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,967,095 to Greves in view of U.S. Patent No. 5,946,071 to Feldman.

Regarding Claim 8, Greves is silent on the spool being transparent and at least part of the housing is transparent. However, Feldman teaches an electroluminescent light source housed in transparent members (Feldman Col. 5 line 14). It would have been obvious to one of ordinary skill in the art to modify the teachings of Greves with the teachings of Feldman at the time of the invention since the modification is merely the selection of a known plastic material for intended use to create an artistic and aesthetic appeal.

***Allowable Subject Matter***

Claims 13-14 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Cited references U.S. Patent No. 5,946,071; U.S. Patent No. 5,967,095; U.S. Patent No. 4,895,110; PCT WO 00/13750; European Patent EP000464725A1; U.S. Patent Pub. US 2002/0011219; U.S. Patent No. 3,123,052; U.S. Patent No. 5,890,456; U.S. Patent No. 5,245,516; U.S. Patent Pub. US 2004/0084271; U.S. Patent No. 5,950,571; U.S. Patent No. 5,426,792; U.S. Patent No. 6,085,698 teach a housing having a grip portion; spring-biased spool rotatably supported in said housing; an

extendible of electroluminescent wire wound around said spool, said electroluminescent wire having at least two conductors, the conductors electrically connected to the pair of concentrically disposed conducting surfaces, said wire having a free end adapted for attachment a pet collar; a retractor mechanism whereby slack section of the wire can be taken up automatically by the spring-based spool when the maximum extension length of said wire not being used; printed circuit board disposed in said housing, said printed circuit board having a DC to AC power inverter, the electric output thereof connected to the pair of housing mounted electric contacts, a battery holder disposed in the housing, the battery holder having electrical leads selectively supplying power to the inverter.

The prior art of record all fails to show, and fails to make obvious, either alone and/or in combination the spool having pair of electrically conducting surfaces concentrically disposed on a lateral surface of said spool and a pair of electric contacts mounted to said housing and positioned to make continuous electric contact with said pair of concentrically disposed conducting surfaces as the spool rotates.

#### ***Response to Arguments***

Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

LoCascio teaches a thin and flexible electroluminescent device running the entire length of a pet collar. Greves teaches that it is old and notoriously well-known to provide an electroluminescent device on pet leashes. It would have been obvious to one of ordinary skill in the art to modify the retractable pet leash taught by Greves with the electroluminescent device of LoCascio.

***Conclusion***

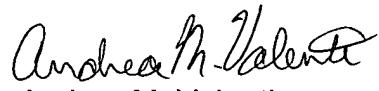
Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea M. Valenti whose telephone number is 703-305-3010. The examiner can normally be reached on 7:30am-5pm M-F; Alternating Fridays Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 703-308-2574. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Andrea M. Valenti  
Examiner  
Art Unit 3643

29 November 2004

  
Peter M. Poon  
Supervisory Patent Examiner  
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